

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
03 APR -9 AM 9:39

UNITED STATES OF AMERICA,

Plaintiff,

v.

James Claude MCCLUNG

Defendant.

Magistrate Case No. **'08 MJ 1089** *292*

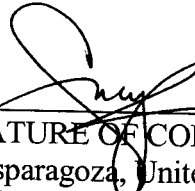
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Aliens
Without Presentation

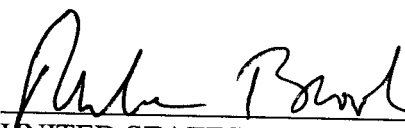
The undersigned complainant being duly sworn states:

On or about **April 8, 2008**, at the San Ysidro Port of Entry, within the Southern District of California, defendant **James Claude MCCLUNG**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Daniel SANCHEZ-Rangel, Patricia JIMENEZ-Hernandez and Maria Carmen TINOCO-Corona** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th DAY OF
APRIL, 2008.


UNITED STATES MAGISTRATE JUDGE

6

PROBABLE CAUSE STATEMENT

The complainant states that **Daniel SANCHEZ-Rangel, Patricia JIMENEZ-Hernandez and Maria Carmen TINOCO-Corona** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 8, 2008, at approximately 0506 hours, **James Claude MCCLUNG (Defendant)** made application for admission into the United States from Mexico at the San Ysidro, California Port of Entry via the vehicle primary lanes. Defendant was the driver and sole visible occupant of a stolen white Ford F-350 pick-up truck. Upon inspection before a Customs and Border Protection (CBP) officer, Defendant presented his valid United States Passport and California driver license. The CBP officer conducted an inspection of the vehicle and noticed the leg of a person concealed under the front bench seat of the vehicle. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, CBP Officers discovered three individuals concealed within the front and rear seats of the vehicle. Both seats had been altered and raised to create a special compartment to conceal the three individuals. The concealed individuals were identified as citizens of Mexico without entitlements to enter the United States and are now identified as **Daniel SANCHEZ-Rangel (MW1), Patricia JIMENEZ-Hernandez (MW2) and Maria Carmen TINOCO-Corona (MW3)**.

During a videotaped interview, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted knowledge of the three aliens concealed in compartments located under the front and rear seats of the vehicle. Defendant admitted he was going to receive approximately \$1000.00 USD for smuggling the three aliens and was to deliver them to a McDonald's restaurant in San Diego, California.

On separate videotaped interviews, all three material witnesses admitted they are citizens of Mexico without legal rights to enter the United States. MW1 stated he was going to pay \$4,000 USD to be smuggled into the United States. MW2 and MW3 stated they were going to pay an unknown amount for to be smuggled into the United States. All three material witnesses stated they were going to Fresno, California.